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PATENT DEPARTMENT
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In re Application of :
Linsley et al. :
Application No. 09/454,651 : DECISION ON PETITION
Filed: December 6, 1999 : UNDER \$ 1.183
Attorney Docket No. 30436.30U&SD1 :

This is a decision on the COMMUNICATION FORWARDING SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. §1.67 filed September 27, 2004, which is properly treated as a petition under § 1.183 for acceptance of a supplemental declaration without the signatures of all inventors as required by § 1.67¹.

The petition is GRANTED.

The instant application is a divisional of application No. 08/228,208. Pursuant to § 1.63(d), the original declaration filed in the prior application was filed in this application.

With the instant communication, applicants submitted a "complete and exact copy" of the Petition under 37 C.F.R. § 1.47(a) filed May 9, 2000 in prior application No. 08/228,208 to have a supplemental declaration accepted; a copy of the decision granting the petition under §§ 1.182 and 1.183; as well as, a copy of the supplemental declaration filed in application No. 08/228,208. The supplemental declaration included reference to application No. 07/723,617².

The supplemental declaration is accepted under § 1.67.

In view of the foregoing, it is concluded that waiver of the requirement that the supplemental declaration be signed by all of the joint inventors is appropriate.


Receipt of the amendment under § 1.312 is acknowledged and will be considered by the examiner in due course.

¹ Petitions under 37 CFR 1.47 are only applicable to an original oath or declaration and are not applicable to the reexecution of another oath or declaration by A. See generally MPEP 201.03.

² The original declaration did not include the reference.

The petition fee has been charged to Deposit Account No. 50-0306, as authorized.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
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Office of Petitions